

**To:** Priya Amar[priyakamar@gmail.com]  
**Cc:** McWhirter, Lisa[McWhirter.Lisa@epa.gov]; Kolian, Michael[Kolian.Michael@epa.gov]; Jollie, Jeff[Jollie.Jeff@epa.gov]  
**From:** Kobelski, Bruce  
**Sent:** Mon 5/6/2013 4:32:12 PM  
**Subject:** RE: Class VI + II question questions

Priya- Here are some responses to your follow up questions, but for each one I have referred that question to an appropriate EPA person:

1. North Dakota is the state we have mentioned before which is actively seeking GS primacy. The other states on your list have at one point or another, contacted EPA about acquiring GS primacy, but they are still in the developmental stages. Although you may have found lists of states that are "active", even though they may have written draft regulations the well operators would still have to come to EPA for a Class VI permit until the state gets their GS primacy package approved by EPA. This approval process could take a substantive amount of time, but I will refer the question to Lisa McWhirter who is the lead for GS and Primacy updates.
2. I do not believe that states "opt" into GHG reporting; rather the owners/operators of projects sequestering or injecting CO<sub>2</sub>, must report to our Office of Air and Radiation, at a facility level. And rather get into a discussion about Class II well operators opting into RR, I can refer you to Mike Kolian in the Climate Change Division of OAR who will point you in the right direction about GHG Reporting in general. The reporting scheme description (E-GGRT) is on their climate change web pages within the EPA website. Perhaps, after you consult with Mike in the website, you can come back and ask the specific question about RR.
3. Jeff Jollie on our UIC Program Base Team may be able to provide you with information about what we see State Class II programs requiring above the "federal floor" as you put it, but the answer may not be as straightforward as it may appear as I previously mentioned.

I hope this may help you in your research.

**From:** Priya Amar [mailto:priyakamar@gmail.com]  
**Sent:** Monday, May 06, 2013 12:11 PM  
**To:** Kobelski, Bruce  
**Subject:** Re: Class VI + II question questions

Dear Bruce,

Thank you so much for getting back to me. I hope that you had safe travels. I have a few follow up questions:

1. For Class VI primacy, I have found the following states to be active/about to be active: North Dakota (as you noted), Alabama, Louisiana, Texas, Montana, Kansas, Mississippi, West Virginia, Utah, and Wyoming. Am I missing any other states?

2. Further, do you know of any states that have chosen to "opt-in" into RR?

3. If you could let me know of anybody I can contact re: UIC Base program to see if any states have gone beyond the federal floor on Class II Primacy, I would much appreciate it!

Thanks!

Priya Amar

On Thu, May 2, 2013 at 9:09 PM, Kobelski, Bruce <[Kobelski.Bruce@epa.gov](mailto:Kobelski.Bruce@epa.gov)> wrote:

Priya-Unfortunately I will be out until Monday, as will a number of staffers due to furloughs. So I can't fully respond to your questions until I come back to work. However, please check our website at [www.epa.gov](http://www.epa.gov) and look under drinking water and then geologic sequestration. We keep information as updated as possible.

To answer your question about Class VI primacy; no state has received Class VI primacy yet, but North Dakota is very close to submitting a complete application. There are at least several states who are in various stages of applying for primacy, but none as close as North Dakota.

Your question regarding Class II state primacy will take a more complicated response. Most states apply for, and receive Class II primacy under Section 1425 of the SDWA which allows them to demonstrate that they have an "effective" program to EPA and we can approve such programs. In other words they do not have to follow the exact federal regulations but they may have requirements for specific program elements that are more stringent. There are some states that do have their Class II programs approved under 1422, but there may not be a document or a report outlining specific requirements for each state. I may consult people working on the UIC Base program and get back with you to see if there is anything completed that we can provide you. Regards

Bruce Kobelski, Geologist/GS Team Co-Lead

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**From:** Priya Amar [[priyakamar@gmail.com](mailto:priyakamar@gmail.com)]  
**Sent:** Thursday, May 02, 2013 12:03 PM  
**To:** Kobelski, Bruce  
**Subject:** Class VI + II question questions

Dear Bruce,

I hope that you are doing well. My name is Priya Amar, and I am a law student currently working on a pro bono project for Clean Air Task Force.

Part of the project involves tracking Class VI projects, developments, and primacy applications in the states. I was wondering if you could tell me or refer me to any documents that detail up to date developments in this area.

Further, I was wondering if you knew of any states with Class II Primacy that have gone beyond the Class II federal floor.

Thank you very much!

Priya